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Committee on Relations with the Host Country

Letter dated 10 May 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee

I have the honour to address you in your capacity as Chairman of the Committee on Relations with the Host Country, attaching a note verbale dated 9 May 2007 (see annex) addressed to the United States Mission to the United Nations by the Permanent Mission of Cuba to the United Nations, expressing our concern about the decision of authorities of the host country to deny a visa to a representative of the Cuban non-governmental organization, Unión Nacional de Escritores y Artistas de Cuba (National Union of Writers and Artists of Cuba (UNEAC)), preventing her from participating in the fifty-first session of the Commission on the Status of Women, which was held from 26 February to 9 March 2007.

I would appreciate it if you would distribute the present letter and its annex as a document of the Committee on Relations with the Host Country.

(*Signed*) Rodrigo **Malmierca Diaz**
Ambassador
Permanent Representative

07-35343 (E) 240507

Annex to the letter dated 10 May 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Permanent Mission to the United Nations and has the honour to refer to the decision of the authorities of the host country to deny a visa to a representative of the Cuban non-governmental organization, Unión Nacional de Escritores y Artistas de Cuba (National Union of Writers and Artists of Cuba (UNEAC)), preventing her from participating in the fifty-first session of the Commission on the Status of Women, which was held from 26 February to 9 March 2007.

The Permanent Mission of Cuba to the United Nations would like to point out that UNEAC has consultative status with the Economic and Social Council and that its representatives have actively participated in other sessions of the above-mentioned Commission.

The National Union of Writers and Artists of Cuba informed the Ministry of Foreign Affairs of the Republic of Cuba of the situation and further requested the Ministry to denounce the event, through the Cuban Mission to the United Nations, and to express its deepest concern about the arbitrary and unjustified denial of a visa to UNEAC to participate in the fifty-first session of the Commission on the Status of Women by the authorities of the host country.

On the occasion in question, Mrs. Fablola Mora, from the UNEAC Department of International Relations, attended an interview and made the corresponding payment for her visa at the United States Interest Section in Havana. Later, on 26 February 2007, the Interest Section informed her that she was authorized to enter United States territory, but that she wouldn't be able to participate in the meeting. Finally, she received a document denying her visa, allegedly because her presence in the territory of the United States was detrimental to national interests.

Such events contravene the obligations of the host country contained in the host country agreement and further contradict the provisions of Economic and Social Council resolution 1996/31.

The aforementioned practice keeps Cuban non-governmental organizations from participating with the rest of the community of non-governmental organizations in contributing to the work of the United Nations organs.

The Permanent Mission of Cuba to the United Nations once again urges the host country to reconsider its position with regard to the issues pointed out, in accordance with the general principles of international law of equality and non-discrimination.

9 May 2007

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Committee on Relations with the Host Country

Letter dated 11 June 2007 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee

I have the honour to transmit herewith the text of a note verbale dated 11 June 2007 that has been sent by the United States Mission to the Permanent Mission of Cuba to the United Nations in response to the latter's note verbale dated 9 May 2007 (see annex). I request that you circulate the attached diplomatic note as a document of the Committee on Relations with the Host Country.

(*Signed*) Russell **Graham**
Minister Counsellor for Host Country Affairs

07-38598 (E) 200607

Annex to the letter dated 11 June 2007 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee

The United States Mission to the United Nations presents its compliments to the Permanent Mission of Cuba to the United Nations and has the honour to refer to the latter's note verbale number NV 2017 of 9 May 2007. The United States Mission and the Department of State have reviewed background information related to the denial of a visa to Fabiola Mora, a representative of the Cuban non-governmental organization National Union of Writers and Artists of Cuba. It appears that Mrs. Mora inadvertently was denied a visa, and was therefore unable to participate in the fifty-first session of the Commission on the Status of Women from 26 February to 9 March. Had the Permanent Mission of Cuba notified the United States Mission of the denial of Mrs. Mora's visa when it occurred, this Mission could have informed the appropriate host country authorities that immediate corrective action was required.

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Committee on Relations with the Host Country

Letter dated 15 June 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee

In my capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement (NAM), and on behalf of the 118 members of the Movement, I have the honour to address you in your capacity as Chairman of the Committee on Relations with the Host Country.

I would like to convey the deep concern of the members of the Movement regarding travel restrictions imposed by the host country on the staff of certain permanent missions of the United Nations and officials of certain nationalities, including from countries members of NAM. Such restrictions impede the participation of those missions in United Nations-related multilateral events, even those organized by other permanent missions to debate NAM agenda items when such events are held beyond a 25-mile radius of Columbus Circle in New York City, a limit imposed on the general rule on the free movement of diplomats.

The practice of denying requests to travel beyond that limit to diplomatic officials of some permanent missions to the United Nations, including of some NAM members, is arbitrary and unfair, and places the diplomats of such missions at a disadvantage with respect to attending events, seminars and symposiums that are directly related to the activities of the United Nations, and to negotiation, reflection and document adoption processes.

The Movement considers that the restrictions imposed on the staff of certain missions and officials of certain nationalities by the competent authorities of the host country violate the Headquarters Agreement between the United Nations and the host country, as well as the provisions of the international legal instruments on diplomatic prerogatives and immunities to which the United States is a State party. Likewise, they are contrary to the letter and spirit of the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character and to the international rules recognized by customary law.

Moreover, the limitations and restrictions of movement beyond the 25-mile radius, which are imposed arbitrarily and for political reasons by the host country, are clearly contrary to the provisions of the relevant resolutions of the General Assembly.

07-38754 (E) 200607

These limitations and restrictions, which are applied in a discriminatory and selective way, interfere with the proper functioning of those permanent missions and hinder their regular work.

The Non-Aligned Movement urges the authorities of the host country to take the necessary steps to meet the international obligations agreed to by its Government and the recommendations and decisions of the General Assembly.

On behalf of the members of the Non-Aligned Movement, I kindly request you to continue consideration of this important issue in the framework of the Committee on Relations with the Host Country, with a view to taking appropriate measures to discontinue without delay this unacceptable practice and to guarantee that all diplomatic agents may fully enjoy the system of privileges and immunities, as well as the overall facilities, recognized by the international legal instruments provided for this kind of personnel.

I should be grateful if the present letter could be brought to the attention of the members of the Committee on Relations with the Host Country, and kindly request that it be circulated as a document of the Committee.

Rodrigo **Malmierca Díaz**
Ambassador
Permanent Representative of Cuba to the United Nations
Chair of the Coordinating Bureau of the Non-Aligned Movement